

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE)	
TETRIS COMPANY, LLC,)	
)	
Plaintiffs and)	
Counterclaim-Defendants,)	
)	
vs.)	Civil Action No.
)	3:09-CV-6115 (FLW) (DEA)
)	
XIO INTERACTIVE INC.,)	
)	
Defendant and)	
Counterclaim-Plaintiff.)	
_____)	

VIDEOTAPED DEPOSITION OF

MARIO BALIBRERA

December 10, 2010

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432369

1 MS. SCHMITT: You can watch it there.

2 Can you mark this as Exhibit 9?

3 (Whereupon, Deposition Exhibit 9 was
4 marked for identification.)

5 THE VIDEOGRAPHER: Just to let you know,
6 whenever there's any kind of action that happens on the
7 video, I will go to the big screen, but I think I've
8 situated you enough so that your head won't be in the
9 screen at all.

10 MS. MAITRA: Are you sure?

11 THE VIDEOGRAPHER: Yes.

12 MS. MAITRA: Just let me know if it is, and I
13 can move. No problem.

14 MS. SCHMITT: Do you want to go off the record
15 for a minute and test it?

16 THE VIDEOGRAPHER: I've already tested it.

17 MS. SCHMITT: Okay.

18 Q. This is a video of gameplay from the
19 executable that was produced as Mino 1.1, and this is
20 single player standard mode.

21 Can we go off the record for a second?

22 THE VIDEOGRAPHER: Sure.

23 MS. SCHMITT: Never mind. It's moving. We
24 can continue. Sorry about that. Okay, here we go.

25 (Showing video).

1 Q. Is that your music, Mr. Balibrera, that you
2 wrote?

3 A. Yes.

4 Q. Do you need to see it again?

5 A. No, that was great.

6 Q. Do you recognize that as Mino?

7 A. Yeah, that looks right.

8 Q. But you're not sure if it's Version 1.1 or
9 not?

10 A. Yeah, I wouldn't know the version or actually
11 whether it's Mino light or not, I guess, also, but it
12 does look like the product I worked on.

13 MS. SCHMITT: And I would also like the mark
14 as Exhibit 10 a screenshot from Mino 1.1 standard mode.

15 (Whereupon, Deposition Exhibit 10 was
16 marked for identification.)

17 MS. SCHMITT: Q. Do you recognize Exhibit 10
18 as that, Mr. Balibrera?

19 A. Yeah, I wonder what's on the right here? I
20 mean, what would normally be on the right? It seems
21 like there's some empty space, but, I mean, I don't
22 know. It's probably just like that. Just my memory
23 is --

24 Q. But you recognize that as Mino?

25 A. That looks like Mino to me, yeah.